

Claims 1-19, and 26-28 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that is not enabled by the specification. Applicants respectfully traverse, and believe that the foregoing amendments obviate this rejection. The outstanding office action cites numerous references to outline the current state of the art in the fields of physiology and gene therapy. Applicants generally agree with the Examiner's position that these arts can be unpredictable. However, Applicants first assert that the Patent Office's position on the state of the art, and the references in support thereof, focus on gene therapy and much less, if at all, on vaccines and vaccination. The subject application provides generous support and teachings that demonstrate the ability to generate a therapeutic immune response through use of the claimed methods. As pointed out previously, Example 12 of the specification shows that pretreatment with a disruptive agent (ethanol), followed by contact of the pretreated area with a nucleic acid encoding tumor antigen Pym T, produced a strong induction of a cytotoxic immune response. Furthermore, forthcoming Gaudie Declaration, with accompanying data, evidences the effectiveness of the subject methods as a vaccination method. The declaration will show that the subject methods successfully induced a protective immune response in both tumour and viral model systems. In light of this substantiating evidence, Applicants request the reconsideration and withdrawal of the 35 USC § 112, first paragraph rejection.

Next, claims 1-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants aver that the new claims obviate this rejection. Reconsideration and withdrawal of this §112, second paragraph, rejection is requested.

Claims 1, 3-5, 7-9, 11, 12, 20-22, and 25 were rejected under 35 U.S.C. §102(b) as anticipated by Wang et al. Applicants believe that the new claims obviate this rejection. Reconsideration is requested.

Claims 20-25 were rejected under 35 USC § 102(b), as being anticipated by Henning et al. (WP/93/19660). Applicants believe that the new claims obviate this rejection, especially in view of Dr. Gaudie's declaration. Reconsideration is requested.

Claims 20-25 were rejected under 35 USC § 102(b), as being anticipated by Henning et al. (U.S. Patents 5,786,340 or 5,821,235). Applicants believe that the new claims obviate this rejection. Reconsideration is requested.

Claims 1-5, 7-9, 11-13 and 19-25 were rejected under 35 USC § 103(a) as being unpatentable over Henning and Wang. Applicants believe that the new claims obviate this rejection, especially in view of the forthcoming Gaudie Declaration. Reconsideration is requested.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Henning and Wang in further view of Graham. Applicants believe that the new claims obviate this rejection, especially in view of the forthcoming Gaudie Declaration. Reconsideration is requested.

Claims 14-18 were rejected under 35 USC § 103(a) as being unpatentable over Henning and Wang in further view of Wallace et al. Applicants believe that the new claims obviate this rejection, especially in view of the forthcoming Gaudie Declaration. Reconsideration is requested.

Claims 12 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Henning and Wang, in further view of Grinstaff. Applicants believe that the new claims obviate this rejection, especially in view of the forthcoming Gaudie Declaration. Reconsideration is requested.

Applicants assert that all pending claims are in condition for allowance, and such action is respectfully requested. The Examiner is invited to call the undersigned if clarification is needed on any aspect of this Amendment, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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